

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:20-CR-00046-KDB-DSC**

**UNITED STATES OF AMERICA,)
)
)
)
)
v.)
)
**MICHAEL JAMES NOTHEISEN,)
)
)
Defendant.)****

THIS MATTER is before the Court on the “Motion to Withdraw” (document # 282) filed April 27, 2021 and Defendant’s pro se letter (document # 287) filed May 7, 2021. The Court held a hearing in this matter on May 12, 2021.

The Court heard from appointed counsel Richard L. Brown, Jr., the Defendant and the Government. Mr. Brown credibly represents that he has conducted video meetings with Defendant approximately once a month since his appointment. He has also provided Defendant with discovery material. Significantly, Mr. Brown has engaged in plea negotiations with the Government and obtained several offers to reduce Defendant’s exposure. He has advanced Defendant’s specific requests during these negotiations. Defendant expresses general dissatisfaction with Mr. Brown and the lack of in-person visits to the jail. Defendant complains that his video meetings with counsel are limited to approximately twenty-five minutes. While video meetings of such short duration are a concern for the Court, this problem is systemic at present and not attributable to counsel.

“Because the right to choose counsel is not absolute, it necessarily follows that a defendant does not have an absolute right to substitution of counsel. As a general rule, a defendant must show good cause in requesting a new appointed lawyer.” United States v. Mullen, 32 F.3d 891, 895 (4th Cir. 1994). The Court does not find good cause to remove Mr. Brown as appointed counsel. The Court concludes that counsel is providing effective representation here and denies the Motion to Withdraw and Defendant’s pro se request.

The Clerk is directed to send copies of this Order to defense counsel, the U.S. Attorney, and to the Honorable Kenneth D. Bell.

SO ORDERED.

Signed: May 13, 2021



David S. Cayer
United States Magistrate Judge
